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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,216	10/22/2003	Richard A. Han	10806.00	9545
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26889 7590 08/07/2007  
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EXAMINER

MOORTHY, ARAVIND K

ART UNIT

PAPER NUMBER

2131

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/691,216	Applicant(s) HAN ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-18 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 04 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This is in response to the amendment filed on 22 May 2007.
2. Claims 1-18 are pending in the application.
3. Claims 1-18 have been rejected.

***Response to Amendment***

4. The examiner approves of the amendment made to claims 1, 3, 7 and 9-18. No new matter has been added.
5. The examiner approves of the amendment made to claims 10-12 to overcome the rejection under 35 U.S.C. 101. The examiner withdraws the rejection under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**7. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Auer et al US 2003/0191946 A1.**

As to claim 1, Auer et al discloses a system for controlling access to or distribution of software and/or data among a plurality of client nodes, the system comprising:

means for storing software and/or data that is to be made available to pre-determined client nodes, each client node being a data processing device for which access to specified software or data may be allowed, and a list of identifiers, each of which uniquely identifies one of the predetermined nodes, the presence of each identifier on the list authorizing the predetermined client node associated with the identifier to be allowed access to the software and/or data [0055-0063]; and

a client application at each client node that is configured to identify whether the unique identifier for that node is included on the list and allow access to the software and/or data by the client node at which the client application resides only if the identifier is included on the list [0065-0070].

As to claim 2, Auer et al discloses that the means for storing the software and/or data and unique client identifiers is portable [0030].

As to claim 3, Auer et al discloses that the means for storing the software and/or data and unique client identifiers comprises a compact disc [0030].

As to claim 4, Auer et al discloses that the means for storing the software and/or data and unique client identifiers comprises a floppy disc [0030].

As to claim 5, Auer et al discloses that the client nodes are part of a communications network [0030].

As to claim 6, Auer et al discloses that the means for storing is provided in a shared information storage area that can be remotely accessed by at least some or all of the client nodes [0087].

As to claims 7, 11, 14 and 17, Auer et al discloses that the client application is operable to generate a unique identifier for the client node on which the client application resides and compare this with the unique identifiers on the authorized list, thereby to identify whether the unique identifier for that node is on the list [0065-0070].

As to claims 8, 12, 15 and 18, Auer et al discloses that the client application uses node specific data to generate the unique identifier [0094].

As to claim 9, Auer et al discloses a method for controlling access to or distribution of software and/or data among a plurality of client nodes, the method comprising:

storing in association with the software and/or data, a list of unique identifiers, each of which uniquely identifies one of the predetermined nodes authorized to be allowed access to the software and/or data [0055-0063];

identifying whether a unique identifier for a particular node is included on the list [0065-0070]; and

controlling the operation of each node so that the node examines the list and verifies that the unique identifier for the node appears on the list, the node loading or installing or using the software and/or data at that particular node only if its unique identifier is on the list [0065-0070].

As to claim 10, Auer et al discloses a program storage device, readable by a machine, having encoded thereon instructions executable by the machine for:

identifying a unique identifier associated with the machine executing the instructions [0055-0063];

reading a list of unique identifiers associated with specified software and/or data, each unique identifier being uniquely associated with one of a plurality of machines [0065-0070]; and

controlling the operation of a client node comprising the machine executing the instructions so that the machine accesses the software and/or data only if the unique identifier for the client node appears is on the list of unique identifiers [0065-0070].

Art Unit: 2131

As to claim 13, Auer et al discloses a data processing device serving as a client node comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of client nodes or terminals [0055-0063]; and

means for controlling the operation of the data processing device so that the data processing device loads or installs or uses the software and/or data only if its own unique identifier is on the list of unique identifiers [0065-0070].

As to claim 16, Auer et al discloses a self-service terminal comprising:

means for reading a list of unique identifiers associated with software and/or data, each unique identifier being uniquely associated with one of a plurality of self-service terminals [0055-0063]; and

means for controlling the operation of the self-service terminal so that the self-service terminal loads or installs or uses the software and/or data only if a unique identifier associated with the self-service terminal appears on the list of unique identifiers [0065-0070].

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2131

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy *AM*  
July 31, 2007

*Syeda A. Zia*  
8/2/2007  
SYEDA A. ZIA  
PRIMARY EXAMINER